

Exhibit ‘D’

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SANDRA GUERRA

Plaintiff,

v.

**HUMANA and HUMANA
GOVERNMENT BUSINESS, INC.
d/b/a HUMANA**

Defendants.

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Civil Action No. 5:21-cv-0882

DECLARATION

I declare under penalty of perjury that the following statements are true and correct:

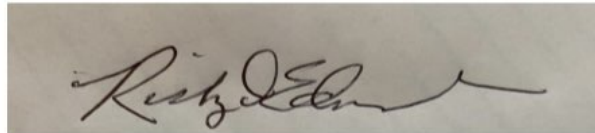
1. “My name is Ricky D. Edwards I am over the age of eighteen (18) years, of sound mind, capable of making this Declaration, and fully competent to testify as to the matters stated herein.
2. I am currently employed with Humana Inc. (“Humana”) in the position of Director, HR Business Partner. In my role, I am familiar with and have access to business records regarding the operations of Humana and its subsidiaries, including Humana Government Business, Inc. (“HGB”), and their current and former employees, including Plaintiff Sandra Guerra, M.D.
3. Humana does not tolerate any type of harassment of its associates, including harassment based on factors protected by federal, state, or local law. The harassment in question may not be considered a violation of the law but may still constitute a violation of Humana policies. Humana’s Critical Offenses policy states that employees may be subject to immediate termination for Critical Offenses, which include harassment. Humana provides training annually to all employees on its anti-harassment policy and how to report any harassment. Humana also does not tolerate any retaliation toward anyone who reports harassment in good faith.
4. Dr. Guerra worked for HGB from October 2012 until HGB terminated her on February 18, 2020, for her admitted violation of Humana’s Harassment and Critical Offenses policies. In particular, Dr. Guerra’s direct subordinate made an internal complaint that Dr. Guerra harassed him by sending him sexually explicit text messages and by making otherwise inappropriate comments. The subordinate provided HGB with a copy of the text messages. Dr. Guerra’s text comments to her subordinate included the following:

- Subordinate: "I might have to get off at 10AM"; Guerra: "Sexually? I'm in a conference."
- Guerra: "Are your boxers too tight?"
- Subordinate: "I went to bed early."
- Guerra: "Alone?"
- Subordinate: "My flight left at 6AM this morning and I don't know why the hell I picked that flight."
- Guerra: "I hope the clothes were on your body."

5. Dr. Guerra admitted to her behavior and comments, and HGB terminated her for them."

I have been given an opportunity to review this Declaration and make any necessary changes before signing. Under penalty of perjury, I declare the foregoing statements in this Declaration to be true and correct.

Executed this 15th day of September, 2021.

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Ricky D. Edwards" in a cursive, stylized script.

Ricky D. Edwards
Director, HR Business Partner

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